

REMARKS/ARGUMENTS

Claims 1, 5-7, and 9-17 are pending.

The claims have been amended to more clearly and distinctly recite the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

Rejection of claims 9-10 and 12 under 35 USC 112, second paragraph.

Responsive to the rejection of claims 9-10, the subject claims have been amended to recite "said memory."

Responsive to the rejection of claim 12, the subject claim has been amended to recite "said smart card is a memory card."

Applicants submit that the rejection is overcome in view of the amendments.

Claim Objection

Responsive to the objection to claim 1, the subject claim has been amended to recite "... having a first data port for transferring data in accordance with a first standard and a second data port for transferring data in accordance with a second standard." Applicants submit that it is not required to recite "ISO 7816" and "NRSS standard" in the claim since these standards are described within an exemplary embodiment. The invention may encompass other standards that may be used in combination with smart cards (see page 6, lines 8-11). Therefore, applicants submit that amended claim 1, sufficiently claims the subject matter that applicants regard as their invention.

Rejection of claims 1, 5-7, and 9-17 under 35 USC 103(a) as being unpatentable over Hayes et al (US 6223348) in view of Blatter et al (US 6016348).

Applicants submit that for the reasons discussed below amended claims 1 and 11, and the claims that depend therefrom, are patentably distinguishable over the teachings of Hayes in view of Blatter.

The present invention relates to an apparatus for loading computer

code from a memory type integrated circuit to thereby effect a change of the functional operation of the apparatus. In particular, the present invention teaches using a smart card interface that includes a connector arrangement having a first data port adapted for transferring data in accordance with a first standard, and a second data port adapted for transferring data in accordance with a second standard. In the exemplary embodiment, the connector arrangement complies with ISO standard 7816-2 and high speed data ports of an NRSS type card (page 2, lines 13-14).

According to the invention, if a card is a memory card, the apparatus reads the computer code from the memory card by way of the second data port to the memory, for thereby updating the computer code stored in the memory so as to effect a change of the functional operation of the apparatus. Present claims 1 and 11 recite this feature. Applicants submit that the combination of Hayes and Blatter fails to teach or suggest this feature.

Hayes relates to a system for using a smart card for updating remote control codes of a universal remote control device. In that regard, the code data mentioned by Hayes refers to data used by the universal remote control device to generate the remote control codes. Hayes states that "the releasable readable media storage device, i.e., Smart Card, to be utilized in the present invention contains a **compilation of the device codes** suitable for use with a particular universal remote control, and allows a one time transfer of a single device code (i.e., the set of code data needed to remotely operate a particular electronic device) from the readable media storage device into the remote control's on board, non-volatile memory (col. 1, lines 54-61, emphasis added)." Therefore, Applicants submit that Hayes does not teach "... reading computer code from said memory card..." as recited by amended claim 1.

Furthermore, the examiner acknowledges that Hayes fails to teach "... a microcontroller coupled to the card interface ... so as to effect a change of the functional operation of the apparatus." Blatter is cited to provide the missing limitations. Specifically, the examiner contends that Blatter teaches that based "... on the identification of a card, as memory card, computer code is read from the card using the high speed port, as to effect a change of the

functional operation of the apparatus (see col. 3, lines 65-67; col. 4, lines 1-8).

Applicants respectfully disagree and submit that Blatter does not teach or suggest the cited limitations, and further, that neither Hayes nor Blatter teach or suggest the proposed combination.

The examiner appears to contend that the NRSS port and the ISO 7816 port corresponds to the low and high speed ports, and that the computer code is read through the NRSS port (reference to col. 3, line 65 - col. 4, line 8). However, it is clear that Blatter does not teach reading computer code from the NRSS port or the ISO 7816 port.

Blatter relates to a conditional access system for processing, decoding and formatting encrypted data for storage by a receiver (col. 1, lines 7-11). Blatter addresses the issue that the use of an encryption system involving changing encryption algorithms and encryption keys poses a problem for storage of programs in encrypted form. Specifically, a program stored in encrypted form, along with an associated broadcast encryption key, may not be able to be decrypted once encryption algorithms have been updates since a new encryption algorithm is not compatible with an earlier stored encryption key. (col. 2, lines 5-15). In this regard, Blatter proposes a conditional access system wherein another algorithm is incorporated into the decoder. The conditional access system operates differently in providing access to programs derived from a "live" source than for programs derived from a local storage medium (col. 2, lines 16-21).

In this regard, Blatter fails to teach or suggest that "[b]ased on the identification of a card, as memory card, computer code is read from the card using the high speed port, as to effect a change of the functional operation of the apparatus (see col. 3, liens 65-67; col. 4, lines 1-8)" as asserted by the examiner. Applicants submit that such a characterization of the cited portion of Blatter is incorrect, and that the NRSS decryption unit 40 does not provide **computer code** that effects a change of the function operation of the apparatus.

In fact, the cited portion of Blatter describes the portion of the system that selects the output of decoder 30 or decrypted output of NRSS decryption unit 40 depending on the presence of an NRSS descrambling card. The

NRSS descrambling card is necessary to decrypt, for example, premium program channels. In that regard, the output of the NRSS decryption unit 40 is **program data**, not computer code (see col. 4, lines 14-17, "The data provided to mux 37 from selector 35 is **in the form of an MPEG compliant packetized transport data stream** as defined in MPEG systems standard section 2.4 and includes the **data content of one or more program channels**" (emphasis added)).

Clearly, both decoder 33 and NRSS decryption unit 40 provide program data associated with the program channels, in this case MPEG compliant program data. Therefore, applicants submit that Blatter does not teach or suggest reading computer code from the card to effect a change of the function operation of the apparatus.

In view of the above, applicants submit that Hayes and Blatter, both singly and in combination, fail to teach or suggest a notable feature of the present claim.

Furthermore, applicants submit that the proposed combination of Hayes and Blatter constitutes impermissible hindsight reconstruction as neither Hayes nor Blatter teach or suggest such a combination. Hayes and Blatter relate to **entirely different devices and problems**. Hayes relates to universal remote control systems and addresses the issue of providing a set of remote control device codes for a particular device. By contrast, Blatter relates to a conditional access system and addresses the issue of storage of programs in a system that changes encryption algorithms and encryption keys on a periodic basis.

There is nothing in Hayes or Blatter that provides the appropriate nexus for combining the teachings of these references in the manner suggested by the examiner. Absent the proper nexus, applicants submit that the proposed combination is flawed and cannot be made.

In view of the above, Applicants submit that amended claim 1, and the claims that depend therefrom, are patentably distinguishable over Hayes and Blatter. Claim 11 similarly recites the above mentioned limitation in method form. Applicants submit that claim 11, and the claims that depend therefrom are also patentably distinguishable over Hayes and Blatter for at least the

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same reasons as those mentioned above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge the \$110 fee for the 1 month Petition for Extension of Time, and any other costs that may be associated with the filing of this response, to Deposit Account No. 07-0832.

Respectfully submitted,
Aaron Hal Dinwiddie et al.

By:


Paul P. Kiel
Attorney for Applicants
Registration No. 40,677
(609) 734-6815

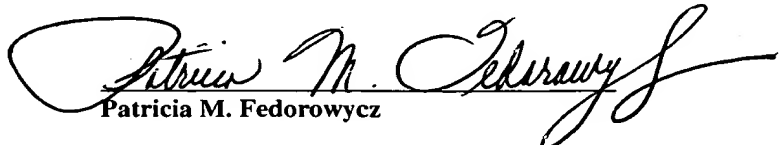
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Patricia M. Fedorowycz